EREF amendments to the Permitting Directive Proposal (Grids Package)

Brussels, March/April 2026

Renewable energies — incl. wind, solar, hydropower, bioenergy, geothermal and ocean energy — are Europe's most cost-effective, most strategically secure and most rapidly scalable energy assets. They are the cheapest sources of electricity and heat generation available, and total system cost of a renewables-based pathway remains substantially lower than any alternative. Faster permitting and grid connection is how Europe can make this cost advantage available to its citizens, communities, industries and economy — reducing energy bills, strengthening supply security and building a resilient, decentralised energy system.

Yet IRENA has explicitly warned that permitting delays and grid bottlenecks are driving up renewable energy costs in Europe compared to the rest of the world, undermining this advantage. An estimated €7.2 billion worth of renewable electricity was curtailed in 2024 alone. Removing these barriers is therefore both an economic and a strategic imperative.

EREF strongly supports the Proposal's objectives. The first priority must be swift, full and consistent implementation of the permitting improvements agreed under RED III, as delays in transposition remain and infringement procedures against all Member States are pending. The Permitting Directive must build on this agreed framework. Beyond that, the current text must deliver more harmonised implementation and close carve-outs risking national fragmentation.

EREF strongly suggests the co-legislators strengthen the Directive across the following areas:

1. **Prioritise implementation**: reduce the transposition deadline to one year after adoption; permit-granting provisions must take effect at the earliest possible date.
2. **Make acceleration binding**: tacit approval (Art. 16b), no-go area limitation (Art. 15c) and the overriding public interest presumption (Art. 16f) must be genuine obligations; broad carve-outs must be closed.
3. **Extend and align the repowering regime**: all key renewable technologies must benefit from exemptions under Art. 16c; land status changes must not unintentionally block repowering; co-location and hybridisation must be facilitated across all renewable technologies in acceleration areas.
4. **Binding grid connection timelines**: Art. 17 must set clear deadlines; grounds for refusal must be narrow and objectively defined; system operators must actively propose alternatives where capacity is constrained.
5. **Proportionate benefit-sharing**: harmonised measures strengthening community benefits are welcomed, but must not duplicate national schemes or burden independent producers and SMEs; the facilitator must be strictly voluntary and publicly funded, ensuring meaningful participation without creating additional barriers to small- and medium-sized producers.
6. **Fix the upstream bottleneck**: a binding 12-month deadline for regulatory approval of network development plans (Art. 40a, Electricity Directive) is essential; without it, downstream acceleration risks being structurally undermined.

The Permitting Directive must work for all renewable energy producers — independent producers, SMEs and energy communities as much as large-scale developers — to deliver a system that is fast, fair and fit for a fully renewables-based Europe. Please find EREF's detailed amendment proposals and reasoning below.

EREF Amendments on the proposed Permitting Directive (Grids Package - 2025/0400 (COD))

Article 1 – Amendments to Directive (EU) 2018/2001

Legislative Proposal, European Commission	EREF Amendment Proposal
Article 1(1) on Art. 2 RED - Extending definition	
EREF supports the Commission proposal to introduce of clearer and more comprehensive definitions — in particular with regard to stand-alone energy storage, recharging infrastructure and hybrid renewable energy concepts — in order to improve legal clarity and consistent application across Member States.	
Article 1(2) on Art. 15c RED - Renewables acceleration areas (Limitation of "no-go areas")	
in Article 15c, the following paragraph 6 is added: ● '6. Member States shall endeavour not to designate large areas where the installation of renewable energy plants and their related infrastructure is legally or de facto restricted due to environmental reasons, including protection of landscape, unless they can demonstrate that those types of plants and their related infrastructure would result in irreversible damage in the area which cannot be mitigated or compensated for during the environmental assessment pursuant to Directive 2011/92/EU and, where relevant, the appropriate assessment pursuant to Article 6(3) of Directive 92/43/EEC';	in Article 15c, the following paragraph 6 is added: ● '6. Member States **must** ~~shall endeavour~~ not ~~to~~ designate ~~large~~ areas where the installation of renewable energy plants and their related infrastructure is legally or de facto restricted due to environmental reasons, including protection of landscape.~~,~~ ~~unless they can demonstrate that those types of plants and their related infrastructure would result in irreversible damage in the area which cannot be mitigated or compensated for during the environmental assessment pursuant to Directive 2011/92/EU and, where relevant, the appropriate assessment pursuant to Article 6(3) of Directive 92/43/EEC'.~~ **The application of this Article should be without prejudice to the application of Article 16f of this Directive and Article 6(4) of Council Directive 92/43/EEC.**
Reasoning for amendment proposal, comments:	

• Strongly welcomes the objective of preventing the designation of extensive "no-go areas" that render renewable energy projects legally or de facto impossible through broad environmental restrictions, and addresses recurring implementation practices in several Member States where large-scale environmental designations risk undermining the effectiveness of renewables acceleration areas and the overall deployment trajectory. • Strengthens the legal operability of the provision by replacing a vague "best efforts" formulation with a binding obligation, reinforcing the principle that restrictions must be based on demonstrable, site-specific environmental impacts rather than blanket or precautionary exclusions disconnected from project-level assessment • Removes the qualifier "large" as it introduces an undefined and subjective threshold that would limit the practical scope of the prohibition and create legal uncertainty as to when the obligation is triggered • Deletes the unless-clause, which would effectively allow Member States to reintroduce broad exclusions by invoking irreversible damage; this undermines the binding character of the obligation and replicates the very flexibility the provision is designed to eliminate • Reinforces the need for coherent application of 16f and Article 6(4) of Directive 92/43/EEC, preserving the overriding public interest mechanism.	
Article 1(2A) on Art. 15c RED - Renewables acceleration areas (EREF proposal to improve Renewable Acceleration Areas)	
	in Article 15c, the following paragraph 1 is amended: • '1. By **[**21 February 2026**]**, Member States shall ensure that competent authorities adopt one or more plans designating, as a sub-set of the areas referred to in Article 15b(1), renewable acceleration areas for one or more types of renewable energy sources. **Member States shall ensure that the designation of renewables acceleration areas does not unnecessarily restrict the co-location or hybridisation of renewable energy technologies, and shall facilitate, where technically and spatially feasible, the combined deployment of complementary renewable energy sources and energy storage within such areas.** ~~Member States may exclude biomass combustion and hydropower plants.~~ In those plans, competent authorities shall:

Reasoning for amendment proposal, comments: ● Facilitates co-location and hybridisation of complementary renewable energy technologies and energy storage within acceleration areas, reflecting the operational reality of modern renewable energy projects and strengthening system efficiency, flexibility and grid optimisation; preventing unnecessary restrictions on co-location is essential to maximise the deployment value of designated areas and avoid artificially limiting the configuration of projects within them. ● Removes the possibility for Member States to exclude biomass combustion and hydropower plants from acceleration areas, which create de facto technology-specific exclusion zones inconsistent with the overarching objective of the provision; all renewable energy technologies must be eligible for designation on equal terms, and exclusions based on technology type rather than site-specific environmental assessment risk entrenching implementation fragmentation across Member States.	
Article 1(3)on Art. 15d RED - Benefit-sharing & independent facilitator	
in Article 15d, the following paragraphs 3 and 4 are added: ● '3. Member States shall adopt measures to ensure that a share of the benefits of renewable energy projects with an installed capacity above 10 MW is passed on, directly or indirectly, to local citizens and communities in proximity to those projects. ● 4. Member States shall designate and finance an independent facilitator to promote dialogue between the project developer and the general public for renewable energy projects with an installed capacity above 10MW. The facilitator shall only intervene upon request by any of the relevant parties and shall: ○ (a) facilitate public consultations, as necessary, including early consultations during the phase prior to the permit application; ○ (b) engage to find solutions to address potential concerns raised by local communities. ○ (c) ensure support and transparency in the choice of the type of benefit sharing measure, where relevant.	in Article 15d, the following paragraphs 3 and 4 are added: ● '3. Member States shall adopt **proportionate and transparent** measures to ensure that a share of the benefits of renewable energy projects with an installed capacity above 10 MW**, or, in the case of wind energy installations, comprising more than 6 generating units,** is passed on, directly or indirectly, to local citizens and communities in proximity to those projects. ● **For the purpose of this Article, "local citizens and communities in proximity" shall mean citizens and communities located within the administrative municipality in which the project is situated, or within a clearly defined geographical perimeter established under national law.** ● **This Article shall be implemented without prejudice to existing national benefit-sharing mechanisms, and shall not result in duplicative or disproportionate obligations for project developers.** ● 4. Member States **may** ~~shall~~ designate and finance an independent facilitator**, or entrust this function to an existing independent body under national law,** to promote dialogue

● Member States may set up a fee, paid by project developers, to finance the services of the facilitator.’;	between the project developer and the general public for renewable energy projects ~~with an installed capacity above 10MW.~~ The facilitator shall only intervene upon request by any of the relevant parties and shall: ○ (a) facilitate public consultations, as necessary, including early consultations during the phase prior to the permit application; ○ (b) engage to find solutions to address potential concerns raised by local communities. ○ (c) ensure support and transparency in the choice of the type of benefit sharing measure, where relevant. ● **Where designated, the facilitator shall operate in a manner consistent with the single contact point and digital procedures established under Article 16 and shall not create additional procedural requirements or delays.** ● ~~Member States may set up a fee, paid by project developers, to finance the services of the facilitator.’;~~

Reasoning for amendment proposal, comments:

- Welcomes the inclusion of benefit-sharing provisions as a tool to strengthen local acceptance of renewable energy projects, and underlines that their design must remain proportionate, transparent and not undermine existing national administrative structures to avoid undermining project viability, particularly for independent producers and SMEs.
- Clarifies the notion of "local citizens and communities in proximity" by referring to the administrative municipality as a workable default, while allowing Member States to define a reasonable geographical perimeter where municipal boundaries are not appropriate; insists that EU-level provisions must not create duplicative or disproportionate obligations where effective national benefit-sharing mechanisms are already in place.
- Replaces the rigid 10 MW capacity threshold for wind energy with a unit-based criterion of 6 generating units, reflecting the significant increase in individual turbine capacities in recent years; a fixed MW ceiling no longer serves as a meaningful proxy for project scale, and would increasingly capture smaller independent producers for whom the obligation was not intended.
- Generally, recognises that an independent facilitator can support effective and meaningful public participation in certain cases. However, EREF strongly opposes any possibility for Member States to mandate the financing of the facilitator by the project developer, which would constitute a disproportionate financial burden, particularly for smaller independent producers and community-based initiatives; underlines

that the facilitator must remain strictly voluntary, publicly funded where designated, and may be entrusted to an existing independent body under national law to avoid the creation of parallel administrative structures. ● Under the condition that the facilitator remains strictly voluntary and is <u>not</u> mandated to be financed by project developers, EREF supports a removal of the 10 MW capacity threshold, as smaller projects may, in certain cases, benefit significantly from facilitated dialogue without this giving rise to additional burdens for project developers. ● Insists that any facilitator function must be fully integrated into the single contact point and digital permitting procedures under Article 16 and must not create additional procedural requirements or delays, in line with the overarching objective of accelerating renewable energy deployment.	
Article 1(4) on Art. 16 RED - Digital one-stop shop	
EREF supports the Commission proposal: ● Strongly supports the introduction of a fully digitalised single national portal for permit-granting procedures as a key instrument to reduce administrative fragmentation, increase transparency and improve predictability for project developers. ● Notes that progress towards digital permitting systems remains uneven across Member States; clearer and more detailed EU-level obligations are necessary to accelerate consistent implementation.	
Article 1(5)on Art. 16b RED - Streamlining permitting outside of RAAs, tacit approval	
Article 16b is amended as follows: ● (a) in paragraph 2, the following sentence is deleted: ○ 'Where a renewable energy project has adopted necessary mitigation measures, any killing or disturbance of the species protected under Article 12(1) of Directive 92/43/EEC and Article 5 of Directive 2009/147/EC shall not be considered to be deliberate' ● (b) the following paragraph 3 is added: ○ '3. In the permit-granting procedure referred to in paragraph 1 and in paragraph 2, second subparagraph, Member States shall ensure that the lack of reply by the relevant competent authorities or entities within the established deadline results in the specific steps to be	Article 16b is amended as follows: ● ~~(a) in paragraph 2, the following sentence is deleted:~~ ○ ~~'Where a renewable energy project has adopted necessary mitigation measures, any killing or disturbance of the species protected under Article 12(1) of Directive 92/43/EEC and Article 5 of Directive 2009/147/EC shall not be considered to be deliberate'~~ ● (b) the following paragraph 3 is added: ○ '3. In the permit-granting procedure referred to in paragraph 1 and in paragraph 2, second subparagraph, Member States shall ensure that the lack of reply by the relevant competent authorities or entities within the established deadline results in the specific steps to be

considered as approved, except for environmental decisions and grid connection permits, or where the principle of administrative tacit approval does not exist in the national legal system of the Member State concerned. All decisions shall be made publicly available, including final decisions granted tacitly.’;	considered as approved, ~~except for environmental decisions and grid connection permits, or where the principle of administrative tacit approval does not exist in the national legal system of the Member State concerned~~. All decisions shall be made publicly available, including final decisions granted tacitly.’; **Article 16a is amended as follows:** ● **6. In the permit-granting procedure referred to in paragraphs 1 and 2, Member States shall ensure that the lack of reply by the relevant competent authorities within the established deadline results in the specific intermediary administrative steps to be considered as approved, ~~except where the specific renewable energy project is subject to an environmental impact assessment pursuant to paragraph 5 or where the principle of administrative tacit approval does not exist in the national legal system of the Member State concerned~~. This paragraph shall not apply to final decisions on the outcome of the permit-granting procedure, which shall be explicit. All decisions shall be made publicly available.**

Reasoning for amendment proposal, comments:

- Stresses the need for preserving the existing clarification on mitigation measures and non-deliberate disturbance of protected species under Article 12(1) of Directive 92/43/EEC and Article 5 of Directive 2009/147/EC, as its deletion would reduce legal certainty and increase litigation risk to the detriment of renewable energy deployment, and in particular, independent producers and SMEs.
- Strongly supports the introduction of administrative tacit approval outside renewables acceleration areas as a key instrument to reduce procedural delays and increase predictability for project developers, and reinforces that administrative simplification must translate into real procedural acceleration.
- Strongly opposes broad carve-outs to tacit approval for environmental decisions and grid connection permits, as these cover a significant share of permitting steps and would risk reducing tacit approval to symbolic value; exceptions must be narrow, clearly defined and strictly limited to final decisions on permit outcomes.

Article 1(6) on Art. 16c RED - Repowering exemptions	
Article 16c is amended as follows: ● (a) paragraph 1 is deleted; ● (b) the following paragraph 2b is inserted: '2b. Member States shall ensure that a change in the status of the land where a renewable energy installation is placed does not prevent that installation from being repowered.'; ● (c) the following paragraph 4 is added: ○ '4. Where the repowering of wind energy installations increases the total capacity of the installation without using additional land surface and complies with the applicable environmental mitigation measures established for the original wind energy installation, the project shall be exempt from any applicable requirements to carry out a screening process pursuant to Article 16a(4), to determine whether the project requires an environmental impact assessment pursuant to Article 4(2) of Directive 2011/92/EU or Article 5 of Regulation [xxxxx] of the European Parliament and of the Council, or to carry out an environmental impact assessment pursuant to Article 4(1) of Directive 2011/92/EU.';	Article 16c is amended as follows: ● (a) paragraph 1 is deleted; ● (b) the following paragraph 2b is inserted: '2b. Member States shall ensure that a change in the **legal or factual** status of the land, **including changes in planning, zoning or land-use designation**, where a renewable energy installation is placed does not prevent that installation from being repowered **or revamped**.'; ● (c) the following paragraph 4 is added: ○ '4. Where the repowering of wind energy installations increases the total capacity of the installation **or improves its technical performance** without **an unreasonable extension of land surface used by the installation** ~~using additional land surface~~ and complies with the applicable environmental mitigation measures established for the original wind energy installation, the project shall be exempt from any applicable requirements to carry out a screening process pursuant to Article 16a(4), to determine whether the project requires an environmental impact assessment pursuant to Article 4(2) of Directive 2011/92/EU or Article 5 of Regulation [xxxxx] of the European Parliament and of the Council, or to carry out an environmental impact assessment pursuant to Article 4(1) of Directive 2011/92/EU.'; ● **(d) paragraph 3 is amended as follows:** ○ **'3. Where the repowering of solar installations does not entail an unreasonable extension of ~~the use of additional~~ space and complies with the applicable environmental mitigation measures established for the**

	original solar installation, the project shall be exempt from any applicable requirements to carry out a screening process as provided for in Article 16a(4), to determine whether the project requires an environmental impact assessment, or to carry out an environmental impact assessment pursuant to Article 4 of Directive 2011/92/EU.'
Reasoning for amendment proposal, comments: ● Strongly supports the overall direction of the provision and its focus on unlocking the repowering potential of existing renewable energy installations as a system-efficient and resource-efficient lever for accelerating deployment without additional land take. ● Clarifies that changes in the status of land must cover both legal and factual changes, including planning, zoning and land-use designations, to ensure legal certainty for existing installations and prevent repowering from being blocked by subsequent administrative reclassification; explicitly extends the scope to revamping and technical modernisation to avoid an overly narrow interpretation limited to pure capacity increases. ● Replaces the strict "no additional land surface" condition with a prohibition on unreasonable extension, recognising that minor, functionally necessary or technically justified adjustments to the physical footprint must not trigger full environmental assessment requirements where the overall environmental impact remains comparable to the original installation. ● Aligns the exemption regime ensuring that all key renewable technologies benefit from equivalent and practically effective repowering conditions. ● Underlines that the relocation of the accelerated grid connection timeline to Article is acceptable only insofar as the repowering regime remains fully preserved; any weakening of grid connection provisions for repowering projects would undermine the practical value of the exemptions established under this Article.	
Article 1(7) on Art. 16d RED - Small-scale solar and solar on artificial structures	
Article 16d is amended as follows: ● (a) paragraph 1 is replaced by the following: '1. Member States shall ensure that the permit-granting procedure referred to in Article 16(1) for the installation of solar energy equipment and co-located energy storage with a total installed capacity above	Article 16d is amended as follows: ● (a) paragraph 1 is replaced by the following: '1. Member States shall ensure that the permit-granting procedure referred to in Article 16(1) for the installation of solar energy equipment and co-located energy storage with a total installed capacity

100 kW in existing or future artificial structures, with the exclusion of artificial water surfaces, shall not exceed three months, provided that the primary aim of such artificial structures is not solar energy production or energy storage. By way of derogation from Article 4(2) of Directive 2011/92/EU and Annex II, points 3(a) and (b), alone or in conjunction with point 13(a), to that Directive, the installation of solar energy equipment and co-located energy storage referred to in paragraphs 1 and 2 of this Article shall be exempt from the requirement, where applicable, to carry out a dedicated environmental impact assessment pursuant to Article 2(1) of Directive 2011/92/EU .' ● (b) paragraph 2 is replaced by the following: ○ 'Member States shall not require any administrative permits, including on environmental aspects, with the exception of grid connection permits, for the installation of solar energy equipment and co-located energy storage with a total installed capacity of 100 kW or less. Without prejudice to paragraph 1, Member States shall restrict the application of this paragraph in Natura 2000 areas and other areas under national protection schemes and cultural or historical heritage protected areas'; ● (c) the following paragraphs 3 and 4 are added: ○ '3. Member States may exclude certain areas from the application of paragraphs 1 and 2 for the purpose of protecting cultural, historical heritage, national defense interests, or for safety or for grid security reasons. ○ 4. Member States shall remove regulatory and non-regulatory barriers that affect the installation of plug-in mini-solar systems of up to 800 W capacity in and on buildings.';	above 100 kW in existing or future artificial structures, with the exclusion of artificial water surfaces, shall not exceed three months, provided that the primary aim of such artificial structures is not solar energy production or energy storage. By way of derogation from Article 4(2) of Directive 2011/92/EU and Annex II, points 3(a) and (b), alone or in conjunction with point 13(a), to that Directive, the installation of solar energy equipment and co-located energy storage referred to in paragraphs 1 and 2 of this Article shall be exempt from the requirement, where applicable, to carry out a dedicated environmental impact assessment pursuant to Article 2(1) of Directive 2011/92/EU .' ● (b) paragraph 2 is replaced by the following: ○ 'Member States shall not require any administrative permits, including on environmental aspects, with the exception of grid connection permits, for the installation of solar energy equipment and co-located energy storage with a total installed capacity of 100 kW or less. Without prejudice to paragraph 1, Member States shall restrict the application of this paragraph in Natura 2000 areas and other areas under national protection schemes and cultural or historical heritage protected areas'; ● (c) the following paragraphs 3 and 4 are added: ○ '3. Member States may, **on the basis of duly justified and proportionate grounds,** exclude certain areas from the application of paragraphs 1 and 2 for the purpose of protecting cultural, historical heritage, **and** national defense interests~~, or for safety or for grid security reasons~~. **Such exclusions shall be narrowly interpreted and shall not result in disproportionate or blanket restrictions.** ○ 4. Member States shall remove regulatory and non-regulatory barriers that affect the installation of plug-in

	mini-solar systems of up to 800 W capacity in and on buildings.’;
Reasoning for amendment proposal, comments: ● Strongly supports the further simplification and acceleration of permitting for small-scale solar installations and for solar equipment on existing or future artificial structures, which represent low-conflict, space-efficient deployment opportunities with limited incremental environmental impact. ● Welcomes the exemption from dedicated environmental impact assessments in clearly defined cases, reflecting the negligible additional impact of installations on already artificialised surfaces. ● Clarifies that exclusions from the simplification regime must be based on duly justified and proportionate grounds and narrowly interpreted ● Removes vague references to "safety" or "grid security" as standalone exclusion grounds, which lack legal precision and risk reintroducing de facto permitting barriers through the back door, undermining the simplification objective this Article is designed to deliver. ● Reinforces the importance of removing regulatory and non-regulatory barriers for plug-in mini-solar systems, which contribute to citizen participation, energy autonomy and system flexibility with negligible system risk and should not face disproportionate administrative obstacles.	
Article 1(8) on Art. 16f RED - Restrict exemptions to overriding public interest (OPI)	
Article 16f is amended as follows: ● (a) the last two sentences are deleted; ● (b) the following paragraph is added: ○ ‘Until climate neutrality is achieved, Member States shall ensure that, in the permitgranting procedure, the planning, construction and operation of plants and installations for the production of energy from renewable sources, and their connection to the grid, the related grid itself, storage assets and recharging stations are presumed as being in the overriding public interest and, in such case, are given priority when balancing legal interests other than those referred to in the first paragraph. Member States may	Article 16f is amended as follows: ● (a) the last two sentences are deleted; ● (b) the following paragraph is added: ○ ‘Until climate neutrality is achieved, Member States shall ensure that, in the permitgranting procedure, the planning, construction and operation of plants and installations for the production of energy from renewable sources, and their connection to the grid, the related grid itself, storage assets and recharging stations are presumed as being in the overriding public interest and, in such case, are given priority when balancing legal interests other than those referred to in

exclude the application of this presumption for the purpose of protecting culture heritage on the basis of legal criteria to ensure harmonized implementation.’;	the first paragraph. Member States may exclude the application of this presumption for the purpose of protecting culture heritage on the basis of legal criteria to ensure harmonized implementation. **Such exclusion shall be narrowly interpreted and shall not result in blanket exclusions or undermine the uniform application of this Article across Member States.’**;
Reasoning for amendment proposal, comments: ● Strongly supports reinforcing the presumption of overriding public interest for renewable energy projects and related grid and storage infrastructure as a central instrument for accelerating deployment. ● The removal of broad possibilities for Member States to limit this presumption is necessary to prevent fragmentation and ensure its practical effectiveness. ● While the protection of cultural heritage is a legitimate objective, any exclusion must be narrowly defined, based on clear legal criteria, and must not result in blanket restrictions or divergent national interpretations. ● A clear and operational presumption strengthens legal certainty and predictability in permitting procedures until climate neutrality is achieved.	
Article 1(9) on Art. 16g RED - Absence of alternative or satisfactory solutions and implementation of compensatory measures for the purpose of Article 6(4) of Directive 92/43/EEC	
EREF supports the Commission proposal to supports the introduction of clearer and more operational criteria to provide greater legal clarity when assessing the absence of satisfactory alternative solutions, as well as for the implementation of compensatory measures.	
Article 1(9) *cont* on Art. 16h-j RED - Permit-granting procedure for stand-alone energy storage other than hydrogen storage, recharging stations, and the the hybridisation of renewable energy plants	

EREF supports the Commission proposal: for dedicated and streamlined permitting procedures for stand-alone energy storage, recharging station and hybrisation of RES, including clear timelines and simplified requirements, as well as the possibility to limit environmental assessments to the additional impacts of the projects.

Article 1(10) on Art. 17 RED - Procedures for grid connection permits	
Article 17 is replaced by the following: ● 1. Member States shall ensure that the procedures for the grid connection permit do not exceed: ○ (a) one month for the solar energy equipment and co-located energy storage referred to in Articles 16d(2), the stand-alone energy storage referred to in Article 16h(2), and the recharging stations referred to in Article 16i(2); ○ (b) three months for the installation of the solar energy equipment and co-located energy storage referred to in Article 16d(1), and the repowering or hybridisation of existing renewable energy plants referred to in Articles 16c and 16j, unless there are justified safety concerns or there is technical incompatibility of the system components or, if due to the size of the capacity increase, more time is required to carry out the assessment. ● 2. Within the deadlines set out in Article 16a(1), Article 16b(1), and paragraph 1 of this Article, the system operator shall choose one of the following actions: ○ (a) where there is sufficient capacity and the requested connection does not affect grid stability, reliability and safety, accept the requested grid connection and grant the connection, ○ (b) where there is insufficient grid capacity, propose, where technically possible, a flexible connection agreement in accordance with Article 6a of Directive (EU) 2019/944.	Article 17 is replaced by the following: ● 1. Member States shall ensure that the procedures for the grid connection permit do not exceed: ○ (a) one month for the solar energy equipment and co-located energy storage referred to in Articles 16d(2), the stand-alone energy storage referred to in Article 16h(2), and the recharging stations referred to in Article 16i(2); ○ (b) three months for the installation of the solar energy equipment and co-located energy storage referred to in Article 16d(1), and the repowering or hybridisation of existing renewable energy plants referred to in Articles 16c and 16j, unless there are justified safety concerns, **which shall be based on objective, transparent and non-discriminatory technical criteria and duly substantiated in writing**, or there is technical incompatibility of the system components or, ~~if due to the size of the capacity increase, more time is required to carry out the assessment~~. ● 2. Within the deadlines set out in Article 16a(1), Article 16b(1), and paragraph 1 of this Article, the system operator shall choose one of the following actions: ○ (a) where there is sufficient capacity and the requested connection does not affect grid stability, reliability and safety, accept the requested grid connection and grant the connection,

● 3. Where a proposal for an agreement referred to in paragraph 2, point (b), is rejected by the project developer, the system operator shall, on justified grounds of safety concerns or technical incompatibility of the system components, propose an alternative grid connection point, an alternative provisional date for the grid connection, or, if not possible, reject the connection request. ● 4. The lack of reply by the distribution system operator within the deadline established in paragraph 1, point (a), shall result in the connection permit being considered as granted, provided that the capacity of the solar energy equipment, the energy storage or the recharging stations does not exceed the available existing capacity of the connection to the distribution grid.'.	○ (b) where there is insufficient grid capacity, propose, where technically possible, a flexible connection agreement in accordance with Article 6a of Directive (EU) 2019/944. ● 3. Where a proposal for an agreement referred to in paragraph 2, point (b), is rejected by the project developer, the system operator shall, on justified grounds of safety concerns or technical incompatibility of the system components, propose an alternative grid connection point, an alternative provisional date for the grid connection, or, if not possible, reject the connection request. ● **The system operator shall provide a detailed written justification for any rejection and shall demonstrate that no technically and economically reasonable alternative solution exists.** ● 4. The lack of reply by the distribution system operator within the deadline established in paragraph 1, point (a), shall result in the connection permit being considered as granted, provided that the capacity of the solar energy equipment, the energy storage or the recharging stations does not exceed the available existing capacity of the connection to the distribution grid.'. ● **A reply shall only be considered valid where it is issued in writing within the applicable deadline and contains a duly reasoned and substantiated justification based on objective technical criteria.**
Reasoning for amendment proposal, comments: ● Strongly supports the introduction of binding timelines and clearer procedural obligations on system operators to respond to grid connection requests and to actively propose solutions. ● Clear deadlines and defined response options can significantly improve predictability and reduce delays in grid connection procedures for renewable energy projects.	

- The scope of the exception clauses referring to “justified safety concerns” and “technical incompatibility” should be narrowly defined in order to prevent overly broad interpretation that could undermine the acceleration objective; rejections of grid connection requests should be limited to clearly circumscribed cases.

Article 3 – Amendments to Directive (EU) 2024/1788

Legislative Proposal, European Commission	EREF Amendment Proposal
Article 2, amending Article 8 Electricity Directive regarding Grid authorisation procedures	
(...) ● 3. Where Member States implement a system of authorisation for transmission or distribution system infrastructure for electricity, Member States shall also ○ (a) ensure consistency of the system of authorisation for transmission and distribution system infrastructure with the distribution network development plan and the transmission ten-year network development plan adopted pursuant to Articles 32 and 51; ○ (b) ensure that authorisation procedures, including all relevant procedures of the competent authorities, do not exceed two years except when duly justified on the grounds of extraordinary circumstances, where they may be extended by up to one year; ○ (c) ensure that the lack of reply by the competent national authorities or entities within the deadline established in point b results in the specific steps to be considered as approved, except for the environmental decisions, in accordance with the Annex of Regulation on streamlining and accelerating environmental assessments, and where the principle of administrative tacit approval does not	(...) ● 3. Where Member States implement a system of authorisation for transmission or distribution system infrastructure for electricity, Member States shall also ○ (a) ensure consistency of the system of authorisation for transmission and distribution system infrastructure with the distribution network development plan and the transmission ten-year network development plan adopted pursuant to Articles 32 and 51; ○ (b) ensure that authorisation procedures, including all relevant procedures of the competent authorities, do not exceed two years except when duly justified on the grounds of extraordinary circumstances, where they may be extended by up to one year; ○ (c) ensure that the lack of reply by the competent national authorities or entities within the deadline established in point b results in the specific steps to be considered as approved, except for the environmental decisions, in accordance with the Annex of Regulation on streamlining and accelerating environmental assessments, and where the principle of administrative

exist in the national legal system of the Member State concerned; ○ (d) ensure that the publication of final decisions includes decision granted tacitly following the lack of reply by the relevant competent authorities or entities; ○ (e) ensure that the authorisation of transmission or distribution system infrastructure is regarded as essential for the integration of renewable energy resources, as well as for achieving climate and energy targets and the objective of climate neutrality. (...)	tacit approval does not exist in the national legal system of the Member State concerned; ○ (d) ensure that the publication of final decisions includes decision granted tacitly following the lack of reply by the relevant competent authorities or entities; ○ (e) ensure that the authorisation of transmission or distribution system infrastructure is regarded as essential for the integration of renewable energy resources, as well as for achieving climate and energy targets and the objective of climate neutrality. ○ **(f) ensure that national regulatory authorities and supervising authorities process and decide on network development plans in accordance with the deadlines and obligations established under Article 40a(6), in order to ensure the timely availability of sufficient connection capacity for renewable energy projects** (…)

Reasoning for amendment proposal, comments:

- Addresses a structural upstream bottleneck that consistently undermines the practical effectiveness of downstream permitting acceleration: where national regulatory authorities delay or obstruct the approval of network development plans and their associated funding frameworks, network operators are unable to guarantee the availability of connection points, rendering permitting timeline obligations largely ineffective for renewable energy developers.
- Introduces a cross-reference to the binding deadline and procedural obligations proposed under Article 40a(6), ensuring coherence between the authorisation framework under Article 8 and the network development planning regime; avoids duplicating the substantive regime while anchoring the obligation to act within defined timelines firmly within the authorisation framework.
- Establishes an explicit obligation on national regulatory and supervising authorities to ensure the timely availability of sufficient connection capacity in a manner consistent with the project-level authorisation timelines under this Article, reflecting the shared responsibility for

energy transition delivery and ensuring that regulatory conduct at planning level does not undermine the acceleration objectives pursued at project level.

Legislative Proposal, European Commission	EREF Amendment Proposal
Article 2 on Article 40a Network development and powers to make investment decisions	
(....) ● 6. The regulatory authority shall approve or request the amendment of the ten-year network development plan and examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union-wide ten-year network development plan ('Union-wide network development plan') referred to in of Article 30(1), point (b), of Regulation (EU) 2019/943. If any doubt arises as to the consistency with the Union-wide network development plan, the regulatory authority shall consult ACER. The regulatory authority may require the transmission system operator to amend its ten-year network development plan. The competent national authorities shall examine the consistency of the ten-year network development plan with the national energy and climate plan submitted in accordance with Regulation (EU) 2018/1999.	(....) ● 6. The regulatory authority shall approve or request the amendment of the ten-year network development plan and examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union-wide ten-year network development plan ('Union-wide network development plan') referred to in of Article 30(1), point (b), of Regulation (EU) 2019/943. If any doubt arises as to the consistency with the Union-wide network development plan, the regulatory authority shall consult ACER. The regulatory authority may require the transmission system operator to amend its ten-year network development plan. The competent national authorities shall examine the consistency of the ten-year network development plan with the national energy and climate plan submitted in accordance with Regulation (EU) 2018/1999. ● **The regulatory authority shall adopt a decision on the ten-year network development plan within twelve months of its submission by the transmission system operator. Where the regulatory authority requests an amendment to the plan, a**

	new twelve-month period shall commence from the date of resubmission of the amended plan. ● **Where the regulatory authority rejects a plan, requests amendments, or fails to adopt a decision within the deadline established in the preceding subparagraph, it shall notify the European Commission and ACER within thirty days, providing a reasoned justification and an assessment of the implications for the delivery of national climate and energy targets. The Commission shall assess whether the delay or rejection risks compromising the achievement of those targets and may issue recommendations accordingly.**

Reasoning for amendment proposal, comments:

- Addresses a structural gap in the current framework whereby the absence of a binding deadline for regulatory approval of network development plans enables indefinite deferral of decisions, preventing transmission system operators from ensuring the availability of sufficient connection capacity and thereby undermining the practical effectiveness of all downstream permitting acceleration measures.
- Introduces a binding twelve-month decision deadline consistent with the broader logic of deadline-based obligations applied throughout this Directive, ensuring that regulatory conduct is aligned with the infrastructure acceleration objectives necessary to meet renewable energy and climate targets; provides a clear procedural reset where amendment is requested, avoiding the use of iterative objections as a de facto blocking mechanism.
- Establishes a notification and justification obligation to the Commission and ACER in cases of rejection, amendment requests or decision delay, ensuring accountability and transparency at EU level; reflects the shared responsibility of regulatory authorities for energy transition delivery and prevents national regulatory obstruction from remaining invisible to Union-level oversight.
- Connects directly to the monitoring function under paragraph 7 and to the regulatory authority's competences under Article 59(1)(bb), ensuring coherence across the accountability framework for network development planning.

Article 4 – Transposition

Legislative Proposal, European Commission	EREF Amendment Proposal
Article 4 on transposition of this Permitting Directive	
• 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [two years after its adoption] at the latest. They shall forthwith communicate to the Commission the text of those provisions. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	• 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**one** ~~two~~ year~~s~~ after its adoption] at the latest. **Member States shall ensure that the provisions transposing the permit-granting requirements under Articles [15c, 15d, 16, 16a, 16b, 16c, 16d, 16f and 17] are brought into force and made operational at the earliest possible date.** They shall forthwith communicate to the Commission the text of those provisions. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
Reasoning for amendment proposal, comments: • Reduces the general transposition deadline from two years to one year after adoption, reflecting the urgency of accelerating renewable energy deployment and grid development; a two-year transposition period would significantly delay the practical benefits of the Directive at a time when permitting bottlenecks are already undermining delivery against climate and energy targets. • Introduces an additional obligation to bring the permit-granting provisions into force and make them operational at the earliest possible date, ensuring that the core acceleration measures — as of now, in particular those under Articles 15c, 15d, 16, 16a, 16b, 16c, 16d, 16f and 17 — take effect without unnecessary delay within the transposition period.	

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